GENERAL AND REVENUE SECRETARIAT.

1902-03

(S.R. Cross)

File No. 85-02

Serial Nos. 1-2

Papers Filed.

Month——

SUBJECT.

Refund of the Value of stamps (Rs 20)
in favour of the Vas of Mangalore

PREVIOUS REFERENCES.	LATER REFERENCES.

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Refund of the value of a stamp certified paper to Mr Vas of Mangalore. (Kadur by Comm's letter no: 237 of 22.10.02.)

Note.

On 20.11.02 a sale deed was executed at Mangalore on plain paper by one Mr Saldanha in favour of one Mr Vas of Mangalore, by which certain coffee estates of his in the Kadur District were sold to the latter Mr Vas for 2000 Rs. It was subsequently certified on 3.12.01 in the Stamp Collector's Office Kadur on the executee Mr Vas paying 20 Rs, the stamp duty leviable thereon. On 30.9.02 the executee Mr Vas applied for the refund of the stamps duly paid by him. He was asked to explain why he delayed applying for the refund nearly 10 months

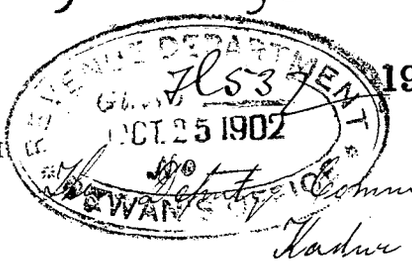
* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

The explanation offered by him was to the effect that he waited upon the executant for 8 months (time allowed for registration ~~after execution~~) to have the document registered, but that the executant put off having the document registered as he had option either to sell the property to the executee or to pay the amount borrowed from him till 29th March 1903 under the authority of another agreement of 28.9.01 entered into between them. The executee had therefore no power to force the executant to have the document registered within the time prescribed. The document became useless on 3rd August 1902 allowing the 8 months (time prescribed for registration) from 3rd Dec 1901 on which date it was certified. If this view is entertained by the Mysore Govt. he is within the two months time prescribed in applying for the refund. If the 8 months is calculated from the date of execution (20th Nov 1901), he is 9 days late.

× Please see sec 50 cl 1 of the Mysore Stamp Regulation.

5 Sec No 1



1902-03.

From Deputy Commissioner
Kadur District.

To The Secretary to the Government of Mysore,
General and Revenue Depttts.

Dated 22nd } October 1902.
Despatched }

Received

General No. 237
No.

Enclosure No. 2

Submitting for cancellation and orders to refund the value of a certified paper embodying an instrument executed by one Inr. Saldana in favor of one Inr. Vas of Mangalo

Submitted with draft
Ak
12-11-02.

Chikmagalur, 22d October 1902.

From

B. L. Krishna Iyengar Esq
Deputy Commissioner,
Kadur District.

To

M. V. Nanjundayya, Esq: B.A. B.L.
Secretary to the Govt. of Mysore,
Gen. & Rev. Departments.

Sir,

I have the honor to submit herewith for favour of cancellation and orders to refund, minus the usual discount, the value of the accompanying stamp-certified paper embodying an instrument executed by one Mr. Saldanha in favour of one Mr. Vas of Mangalore.

2. The instrument was executed on 20th November 1901 at Mangalore on a plain paper which was subsequently certified on 3d December 1901 in this Office on the Executee Mr. Vas paying Rs 20/-, the stamp duty leviable on the same.

3. In his application of the 30th September

8.

Mangalore
14th October 1902

To

The Deputy Commissioner and
Collector of Stamps
Kadur District
Chikmagalur

Honored sir,

With reference to para 1 of your letter no. 458 of 1902-3 I beg to answer in the negative.-

2. I most respectfully beg to place the following facts for your honor's kind consideration in connection with para 2 of the said letter.

(a) By an agreement dated 28th September 1901 Mr. Saldanha has option either to sell his coffee estate to me within a year and half from the above date or to pay my money in ready cash. Therefore in case Mr. Saldanha fails to pay me the money within 29th March 1903, then I have full hold

on

on him and can legally compel him to sell the coffee estate to me under the agreement.

(b) But now Mr. Saldanha has put off the registration of this document on the authority of the said agreement and has made up his mind to take up the full time till 29th March 1903. Hence under the agreement I had no power to force him to have the instrument registered through the Registrar, but I had to wait on Mr. Saldanha for the 8 months (time allowed for registration) to see whether he would amicably register it.

3. In conclusion, I beg to state that in computing time of execution of document (in order to guard the frauds of antidating) effecting legal questions, there is a ruling of British Government (which I am not able to quote here) to compute the time from the date on which the document purports to have been executed in case the stamp paper is previously purchased, in other cases the date of execution will be the date on which the stamp duty is paid. If this

view

Proceedings of the Government of H. H. the Maharaja of Mysore.

READ:—

Letter No. 237 dated 22nd October 1902, and reminder no: 403 of 17-1-03 from the Deputy Commissioner Kadur District, submitting a certified stamp paper of the value of Rupees twenty produced by one Mr Vas of Mangalore and requesting sanction to refund the value thereof.

ORDER THEREON, No. H. 1762-70 DATED 20/4/1903.

The refund of the value of the certified stamp paper referred to above, *viz.*, Rupees twenty is sanctioned subject to the usual discount of one anna in the rupee.

Secretary.

To

The Deputy Commissioner, Kadur District, with the cancelled stamp paper.

„ The Comptroller to the Government of Mysore.